

**FILED**

Jun 11 2021

SUSAN Y. SOONG  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JACK LEE BREINER,

Petitioner,

v.

WARDEN M. POLLARD.

Respondents.

Case No. 21-03762 NC (PR)

**ORDER OF TRANSFER**

Petitioner, a state prisoner at R.J. Donovan State Prison in San Diego, has filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254. Petitioner challenges his state conviction from the Superior Court of Modoc County. Venue for a habeas action is proper in either the district of confinement or the district of conviction. *See* 28 U.S.C. § 2241(d). However, petitions challenging a conviction or sentence are preferably heard in the district of conviction. *See* Habeas L.R. 2254-3(b)(1); *Laue v. Nelson*, 279 F. Supp. 265, 266 (N.D. Cal. 1968). Here, because petitioner challenges a conviction from Modoc County, the Eastern District of California is the district of conviction.

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ORDER OF TRANSFER

1 Accordingly, this case is **TRANSFERRED** to the United States District Court for the  
2 Eastern District of California. *See* 28 U.S.C. § 1406(a). The Clerk shall terminate all pending  
3 motions and transfer the entire file to the Eastern District of California.

4 **IT IS SO ORDERED.**

5 DATED: June 11, 2021



NATHANAEL M. COUSINS  
United States Magistrate Judge

United States District Court  
Northern District of California